

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

QUORDALIS V. SANDERS,

Plaintiff,

OPINION AND ORDER

v.

14-cv-192-wmc

EDWARD F. WALL and

LENNIE A. WEBBER,

Defendants.

Plaintiff Quordalis V. Sanders is presently in custody at the Racine County Jail. He has filed a proposed civil action pursuant to 42 U.S.C. § 1983, against Secretary Edward F. Wall of the Wisconsin Department of Corrections and Racine County District Attorney Lennie A. Webber. Sanders has also submitted an affidavit of indigency and he seeks leave to proceed without prepayment of fees and costs for purposes of the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a). For reasons set forth briefly below, this case cannot go forward because Sanders is ineligible to proceed under the federal *in forma pauperis* statute.

ALLEGATIONS OF FACT

The complaint in this case consists of a laundry list of grievances, starting with Sanders's claim that he was sentenced improperly in state court in 1987 and 1988. In 1987, Sanders was charged with two counts of second-degree sexual assault and one count of witness intimidation. As a result of these charges, Sanders's probation was

revoked in a previous case. Sanders contends that the state violated his constitutional rights during his revocation proceeding by increasing his sentence without justification. As a result of the revocation, Sanders pled no contest in 1988 to the two counts of second-degree sexual assault that were pending against him.

Sanders is presently in custody as the result of charges lodged against him in Racine County Case No. 14-CF-110 for exposing his genitals to a child, disorderly conduct, causing a child to view sexual activity and stalking a victim under 18 years of age.¹ Sanders claims that he was arrested in this case pursuant to an “invalid warrant.”

Sanders notes that he was subject to registration for life as a previously convicted sex offender pursuant to Wis. Stat. 967.03. When he refused to sign the sex offender registration form, he was arrested by the Racine County Sheriff’s Department and charged with an offense in 2007. Sanders contends that the charges were bogus because neither the State Attorney General nor the Racine County District Attorney ever petitioned for his lifetime registration as a sex offender.

Sanders seeks declaratory and injunctive relief prohibiting the defendants and the State of Wisconsin from requiring him to register as a sex offender. He also seeks \$25 million in compensatory damages and \$5 million in punitive damages for the violations of his constitutional rights.

¹ The court has supplemented the sparse allegations in the complaint with dates and procedural information about plaintiff’s underlying criminal case from the electronic docket available at Wisconsin Circuit Court Access, <http://wcca.wicourts.gov> (last visited March 25, 2014). The court draws all other facts from the complaint in this case and the exhibits attached to his pleadings. See FED. R. CIV. P. 10(c); see also *Witzke v. Femal*, 376 F.3d 744, 749 (7th Cir. 2004) (explaining that documents attached to the complaint become part of the pleading, meaning that a court may consider those documents to determine whether plaintiff has stated a valid claim).

OPINION

Because Sanders is in custody his complaint is governed by the Prison Litigation Reform Act (the “PLRA”). The PLRA precludes an inmate from bringing a civil action or appealing a civil judgment *in forma pauperis* if at least three of the inmate’s prior lawsuits have been dismissed as frivolous, malicious, or for failing to state a claim on which relief may be granted. 28 U.S.C. § 1915(g). An exception exists only when an inmate demonstrates that he is in “imminent danger of serious physical injury.”

Court records show that Sanders has accrued at least three strikes for filing frivolous actions and appeals: *Sanders v. Shabaz*, Case No. 02-cv-318 (W.D. Wis. July 3, 2002); *Sanders v. Shabaz*, Appeal No. 02-3010 (7th Cir. March 27, 2003); *Sanders v. Bertrand*, Appeal No. 02-2944 (7th Cir. June 27, 2003).² As a result, Sanders may proceed *in forma pauperis* only on claims alleging that he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

To proceed under the imminent-danger exception, an inmate must articulate specific facts showing that a “threat” or risk of physical harm is both “real and proximate.” *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). Reviewed generously, none of Sanders’s allegations concern threats or conditions posing a risk of physical harm. For this reason, plaintiff’s motion for leave to proceed *in forma pauperis*

² Sanders is well aware that he has at least three strikes against him for filing frivolous actions and appeals in federal court, having been advised of that fact by the Seventh Circuit in Appeal No. 02-2944. “A litigant who knows that he has accumulated three or more frivolous suits or appeals must alert the court to that fact.” *Ammons v. Gerlinger*, 547 F.3d 724, 725 (7th Cir. 2008) (citing *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999)). Sanders, however, makes no mention of these cases.

will be denied and he will be required to pay the full amount of the district filing fee (\$400) within 21 days.

ORDER

IT IS ORDERED that:

1. Plaintiff Quordalis V. Sanders's request for leave to proceed *in forma pauperis* is DENIED.
2. For this case to go forward, plaintiff must pay the full filing fee of \$400 within 21 days of the date of this order. If plaintiff fails to comply as directed, this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(b).

Entered this 4th day of April, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge